

Appl. No. 10//734,381
Atty. Docket No. 7858MRR
Andt. Dated January 16, 2008
Reply to Final Office Action Dated December 03, 2007
Customer Number 27752

REMARKS

Claim Status

Claim 1 is amended to delete "vinylphosphonic acid" from the list of phosphonate containing monomers used in the preparation of the present claimed phosphonate-containing copolymers or cotelomers. Claim 1 is further amended to insert an inadvertently omitted comma after "vinyldiphosphonic acid".

Claim 3 is amended to recite that the copolymer is poly(vinyldiphosphonate/acrylate).

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Claims 1 to 6 and 10 are under consideration. Claims 7 to 9 which are drawn to nonelected species are indicated as withdrawn.

Claims Rejection Under 35 U.S.C. §112, 1st Paragraph

Claims 1, 4-6 and 10 have been rejected under 35 USC §112, 1st paragraph as failing to comply with the written description requirement. It is contended that the specification provides support for the claimed diphosphonate polymers but not for polymers prepared from vinylphosphonic acid.

Claim 1 has been amended to cancel vinylphosphonic acid from the list of monomers and should overcome the rejection under §112, 1st paragraph. The claims are now drawn to specific diphosphonate-containing copolymers or cotelomers.

As indicated by the Examiner, with this amendment Claim 1 is allowable and dependent Claim 2 should also be allowable.

Claim 3 is amended to specify that the copolymer is poly(vinyldiphosphonate/acrylate), i.e., a salt form of the vinyldiphosphonic acid/acrylic acid copolymer of Claim 2. This amendment should overcome the objection that previous Claim 3 is broader than Claim 2.

It is respectfully submitted that the claims as amended are in full compliance of the requirements of §112 and are allowable.

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Double Patenting Rejection

Claims 1-6 and 10 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-4 of commonly-assigned copending Application No. 10/737,425 in view of Gaffar et al. (US 5,032,386).

Submitted herewith is a terminal disclaimer, which should overcome the double patenting rejection.

Rejoining of Nonelected Claims

Claims 7 to 9 were withdrawn from consideration earlier in response to an election of species requirement. Applicants respectfully request rejoining of Claims 7 to 9, dependent from Claim 5 and ultimately from Claim 1, which are believed to be allowable.

CONCLUSION

This response represents an earnest effort to place the present application in proper form. In view of the foregoing, reconsideration of the application, entry of the amendments presented, withdrawal of the rejection under 35 U.S.C. §112, rejoicing of the withdrawn claims, entry of the terminal disclaimer and withdrawal of the double patenting rejection, and allowance of all claims are respectfully requested.

The Examiner is respectfully invited to telephone the undersigned representative if there are questions or clarifications needed regarding this case.

Respectfully submitted,

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